

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA, *ex rel.*
ALEX DOE, Relator, THE STATE OF
TEXAS, *ex rel.* ALEX DOE, Relator, THE
STATE OF LOUISIANA, *ex rel.* ALEX DOE,
Relator,

Plaintiffs,

v.

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC., PLANNED
PARENTHOOD GULF COAST, INC.,
PLANNED PARENTHOOD OF GREATER
TEXAS, INC., PLANNED PARENTHOOD
SOUTH TEXAS, INC., PLANNED
PARENTHOOD CAMERON COUNTY,
INC., PLANNED PARENTHOOD SAN
ANTONIO, INC.,

Defendants.

No. 2:21-cv-022-Z

DECLARATION OF KIM CUSTER

I, Kim Custer, declare and state as follows:

1. I am employed by Planned Parenthood Federation of America, Inc. ("PPFA") as Executive Vice President and Chief Federation Engagement & Impact Officer. I have served as Executive Vice President since 2015 and as Chief Federation Engagement & Impact Officer since the end of 2021.

2. I am over the age of 18 and have personal knowledge of the matters herein or have acquired such knowledge by personally examining the business records kept in the normal course of business by PPFA. If called upon to testify, I could and would testify to the facts in this declaration.

3. I make this declaration in support of Defendants' Opposition in Part to Relator's Motion to Unseal Plaintiffs' Response to Defendants' Motions for Summary Judgment and Supplemental Appendix (the "Opposition"). I am familiar with the claims and allegations in the above-captioned case based on my review of the Complaint filed by Relator and the Complaint in Intervention filed by the State of Texas.

4. I understand that Relator seeks to unseal in full the Supplemental Appendix filed in support of Plaintiffs' response to Defendants' motions for summary judgment. However, I also understand that the Supplemental Appendix contains dozens of documents designated by PPFA as Confidential or Attorneys' Eyes Only under the Protective Order. Unsealing these materials—specifically, those listed in **Exhibit A** to the Opposition and the two documents identified herein—would substantially and materially harm PPFA and others by disclosing trade-secret level, non-public information.

5. **Training Slide Deck (Appx.006447-6499).** Relator proposes unsealing a PPFA training slide deck designed to assist Planned Parenthood Affiliate CEOs with their compliance efforts and implementing Affiliate-specific compliance programs. This training material is developed within PPFA and is not shared publicly. Because training materials such as the slide deck Relator seeks to unseal are created in an effort to help Affiliates improve their compliance efforts, making them public would have a chilling effect on how PPFA shares information with its Affiliates. Additionally, the public disclosure of PPFA's proprietary and confidential training materials could cause serious competitive and financial harm to PPFA and all 49 Affiliates that rely on such training. While PPFA is public about its partnership with the Affiliates and will generally discuss the variety of resources available to Planned Parenthood Affiliates, PPFA has spent years and significant resources developing such training materials, and PPFA has worked

diligently to maintain the confidentiality of these valuable resources, which are available only to its membership. Publicizing PPFA's training materials would jeopardize years of work and devalue the Planned Parenthood brand.

6. **PPFA's Medical Standards & Guidelines (Appx. 7338-7771).** Relator also seeks to unseal more than 400 pages of PPFA's Medical Standards and Guidelines ("MS&Gs"). The MS&Gs are highly confidential and proprietary material created by PPFA, and PPFA treats the information contained therein as a trade secret. The MS&Gs have been developed over 40 years using considerable time, effort, and expense, in consultation with dozens of medical professionals and experts as confidential and proprietary resources for the benefit of Planned Parenthood Affiliates, and they are regularly updated in accordance with best practices and evolving standards of care. The Planned Parenthood Affiliates receive the MS&Gs as a benefit of Planned Parenthood membership, and use them to provide high-quality, evidence-based health care services for all patients. Because the guidance and recommendations included in the MS&Gs are intended to be adaptable and used by Affiliates in all 50 states, it would be easy for competitors across the country to use them to the detriment of any Planned Parenthood Affiliate, including the 46 Affiliates which are not parties to this case. Making the MS&Gs available to the public could cause competitive harm to all Affiliates by making the expertise, guidance, and findings included in these materials available to anyone to use. It would also provide a detailed picture to competitors of how the Planned Parenthood Affiliates conduct the work of providing health care services to their patients, which would in turn put all 49 Affiliates at a competitive disadvantage; other health care providers could easily appropriate Planned Parenthood's service and care model and, in so doing, could more directly compete for patients, funding, grants, staff, and clinical providers. PPFA has a written policy prohibiting the reproduction, reprinting, and

distribution of the MS&Gs, and it expects all Affiliates to treat the material as proprietary and highly confidential. Unsealing the MS&Gs would create an additional source of harm with respect to the provision of health care services to patients. Excerpts from the MS&Gs could be cited out of context or manipulated in such a way as to incite increased opposition to the health care services provided by Planned Parenthood Affiliates across the country, thereby preventing patients from seeking or obtaining critical care.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 21, 2023 in Lehigh Valley, Pennsylvania.



Kim Custer